

1 AN ACT concerning elections.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Election Code is amended by changing  
5 Sections 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55,  
6 7-66, 15-6, 16-11, 17-43, 18-40, 19-15, 20-15, 24A-2,  
7 24A-6.1, 24A-7, 24A-8, 24A-9, 24A-10.1, 24A-14, 24B-2,  
8 24B-10.1, and 24B-14 as follows:

9 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

10 Sec. 7-19. The primary ballot of each political party for  
11 each precinct shall be arranged and printed substantially in  
12 the manner following:

13 1. Designating words. At the top of the ballot shall be  
14 printed in large capital letters, words designating the  
15 ballot, if a Republican ballot, the designating words shall  
16 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the  
17 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and  
18 in like manner for each political party.

19 2. Order of Names, Directions to Voters, etc. Beginning  
20 not less than one inch below designating words, the name of  
21 each office to be filled shall be printed in capital letters.  
22 Such names may be printed on the ballot either in a single  
23 column or in 2 or more columns and in the following order,  
24 to-wit:

25 President of the United States, State offices,  
26 congressional offices, delegates and alternate delegates to  
27 be elected from the State at large to National nominating  
28 conventions, delegates and alternate delegates to be elected  
29 from congressional districts to National nominating  
30 conventions, member or members of the State central  
31 committee, trustees of sanitary districts, county offices,

1 judicial officers, city, village and incorporated town  
2 offices, town offices, or of such of the said offices as  
3 candidates are to be nominated for at such primary, and  
4 precinct, township or ward committeemen. If two or more  
5 columns are used, the foregoing offices to and including  
6 member of the State central committee shall be listed in the  
7 left-hand column and Senatorial offices, as defined in  
8 Section 8-3, shall be the first offices listed in the second  
9 column.

10 Below the name of each office shall be printed in small  
11 letters the directions to voters: "Vote for one"; "Vote for  
12 two"; "Vote for three"; or a spelled number designating how  
13 many persons under that head are to be voted for.

14 Next to the name of each candidate for delegate or  
15 alternate delegate to a national nominating convention shall  
16 appear either (a) the name of the candidate's preference for  
17 President of the United States or the word "uncommitted" or  
18 (b) no official designation, depending upon the action taken  
19 by the State central committee pursuant to Section 7-10.3 of  
20 this Act.

21 Below the name of each office shall be printed in capital  
22 letters the names of all candidates, arranged in the order in  
23 which their petitions for nominations were filed, except as  
24 otherwise provided in Sections 7-14 and 7-17 of this Article.  
25 Opposite and in front of the name of each candidate shall be  
26 printed a square and all squares upon the primary ballot  
27 shall be of uniform size. Spaces between the names of  
28 candidates under each office shall be uniform and sufficient  
29 spaces shall separate the names of candidates for one office  
30 from the names of candidates for another office, to avoid  
31 confusion and to permit the writing in of the names of other  
32 candidates.

33 Where voting machines or electronic voting systems are  
34 used, the provisions of this Section may be modified as

1 required or authorized by Article 24, or Article 24A, or  
2 Article 24B, whichever is applicable.

3 (Source: P.A. 83-33.)

4 (10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

5 Sec. 7-46. On receiving from the primary judges a primary  
6 ballot of his party, the primary elector shall forthwith and  
7 without leaving the polling place, retire alone to one of the  
8 voting booths and prepare such primary ballot by marking a  
9 cross (X) in the square in front of and opposite the name of  
10 each candidate of his choice for each office to be filled,  
11 and for delegates and alternate delegates to national  
12 nominating conventions, and for committeemen, if committeemen  
13 are being elected at such primary.

14 Any primary elector may, instead of voting for any  
15 candidate for nomination or for committeeman or for delegate  
16 or alternate delegate to national nominating conventions,  
17 whose name is printed on the primary ballot, write in the  
18 name of any other person affiliated with such party as a  
19 candidate for the nomination for any office, or for  
20 committeeman, or for delegates or alternate delegates to  
21 national nominating conventions, and indicate his choice of  
22 such candidate or committeeman or delegate or alternate  
23 delegate, by placing to the left of and opposite the name  
24 thus written a square and placing in the square a cross (X).

25 Where voting machines or electronic voting systems are  
26 used, the provisions of this section may be modified as  
27 required or authorized by Article 24, or Article 24A, or  
28 Article 24B, whichever is applicable.

29 (Source: Laws 1965, p. 2220.)

30 (10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

31 Sec. 7-47. Before leaving the booth, the primary elector  
32 shall fold his primary ballot in such manner as to conceal

1 the marks thereon. Such voter shall then vote forthwith by  
2 handing the primary judge the primary ballot received by such  
3 voter. Thereupon the primary judge shall deposit such primary  
4 ballot in the ballot box. One of the judges shall thereupon  
5 enter in the primary poll book the name of the primary  
6 elector, his residence and his party affiliation or shall  
7 make the entries on the official poll record as required by  
8 articles 4, 5 and 6, if any one of them is applicable.

9 Where voting machines or electronic voting systems are  
10 used, the provisions of this section may be modified as  
11 required or authorized by Article 24, ~~or~~ Article 24A, Article  
12 24B, whichever is applicable.

13 (Source: Laws 1965, p. 2220.)

14 (10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

15 Sec. 7-49. After the opening of the polls at a primary no  
16 adjournment shall be had nor recess taken until the canvass  
17 of all the votes is completed and the returns carefully  
18 enveloped and sealed.

19 Where voting machines or electronic voting systems are  
20 used, the provisions of this section may be modified as  
21 required or authorized by Article 24, ~~or~~ Article 24A, or  
22 Article 24B, whichever is applicable.

23 (Source: Laws 1965, p. 2220.)

24 (10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

25 Sec. 7-52. Immediately upon closing the polls, the  
26 primary judges shall proceed to canvass the votes in the  
27 manner following:

28 (1) They shall separate and count the ballots of each  
29 political party.

30 (2) They shall then proceed to ascertain the number of  
31 names entered on the applications for ballot under each party  
32 affiliation.

1           (3) If the primary ballots of any political party exceed  
2 the number of applications for ballot by voters of such  
3 political party, the primary ballots of such political party  
4 shall be folded and replaced in the ballot box, the box  
5 closed, well shaken and again opened and one of the primary  
6 judges, who shall be blindfolded, shall draw out so many of  
7 the primary ballots of such political party as shall be equal  
8 to such excess. Such excess ballots shall be marked  
9 "Excess-Not Counted" and signed by a majority of the judges  
10 and shall be placed in the "After 6:00 p.m. Defective Ballots  
11 Envelope". The number of excess ballots shall be noted in the  
12 remarks section of the Certificate of Results. "Excess"  
13 ballots shall not be counted in the total of "defective"  
14 ballots;

15           (4) The primary judges shall then proceed to count the  
16 primary ballots of each political party separately; and as  
17 the primary judges shall open and read the primary ballots, 3  
18 of the judges shall carefully and correctly mark upon  
19 separate tally sheets the votes which each candidate of the  
20 party whose name is written or printed on the primary ballot  
21 has received, in a separate column for that purpose, with the  
22 name of such candidate, the name of his political party and  
23 the name of the office for which he is a candidate for  
24 nomination at the head of such column.

25           Where voting machines or electronic voting systems are  
26 used, the provisions of this section may be modified as  
27 required or authorized by Article 24, ~~or~~ Article 24A, or  
28 Article 24B, whichever is applicable.

29           (Source: P.A. 80-484.)

30           (10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

31           Sec. 7-53. As soon as the ballots of a political party  
32 shall have been read and the votes of the political party  
33 counted, as provided in the last above section, the 3 judges

1 in charge of the tally sheets shall foot up the tally sheets  
 2 so as to show the total number of votes cast for each  
 3 candidate of the political party and for each candidate for  
 4 State Central committeeman and precinct committeeman,  
 5 township committeeman or ward committeeman, and delegate and  
 6 alternate delegate to National nominating conventions, and  
 7 certify the same to be correct. Thereupon, the primary judges  
 8 shall set down in a certificate of results on the tally  
 9 sheet, under the name of the political party, the name of  
 10 each candidate voted for upon the primary ballot, written at  
 11 full length, the name of the office for which he is a  
 12 candidate for nomination or for committeeman, or delegate or  
 13 alternate delegate to National nominating conventions, the  
 14 total number of votes which the candidate received, and they  
 15 shall also set down the total number of ballots voted by the  
 16 primary electors of the political party in the precinct. The  
 17 certificate of results shall be made substantially in the  
 18 following form:

19 ..... Party

20 At the primary election held in the .... precinct of the  
 21 (1) \*township of ....., or (2) \*City of ....., or (3) \*....  
 22 ward in the city of .... on (insert date), the primary  
 23 electors of the .... party voted .... ballots, and the  
 24 respective candidates whose names were written or printed on  
 25 the primary ballot of the .... party, received respectively  
 26 the following votes:

27 Name of		27 No. of
28 Candidate,	28 Title of Office,	28 Votes
29 John Jones	Governor	100
30 Sam Smith	Governor	70
31 Frank Martin	Attorney General	150
32 William Preston	Rep. in Congress	200
33 Frederick John	Circuit Judge	50

34 \*Fill in either (1), (2) or (3).

1 And so on for each candidate.

2 We hereby certify the above and foregoing to be true and  
3 correct.

4 Dated (insert date).

5 .....

6 Name Address

7 .....

8 Name Address

9 .....

10 Name Address

11 .....

12 Name Address

13 .....

14 Name Address

15 Judges of Primary

16 Where voting machines or electronic voting systems are  
17 used, the provisions of this Section may be modified as  
18 required or authorized by Article 24, and Article 24A, or  
19 Article 24B, whichever is applicable.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 (10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

22 Sec. 7-54. After the votes of a political party have been  
23 counted and set down and the tally sheets footed and the  
24 entry made in the primary poll books or return, as above  
25 provided, all the primary ballots of said political party,  
26 except those marked "defective" or "objected to" shall be  
27 securely bound, lengthwise and in width, with a soft cord  
28 having a minimum tensile strength of 60 pounds separately for  
29 each political party in the order in which said primary  
30 ballots have been read, and shall thereupon be carefully  
31 sealed in an envelope, which envelope shall be endorsed as  
32 follows:

33 "Primary ballots of the.... party of the.... precinct of

1 the county of.... and State of Illinois."

2 Below each endorsement, each primary judge shall write  
3 his name.

4 Immediately thereafter the judges shall designate one of  
5 their number to go to the nearest telephone and report to the  
6 office of the county clerk or board of election commissioners  
7 (as the case may be) the results of such primary. Such clerk  
8 or board shall keep his or its office open after the close of  
9 the polls until he or it has received from each precinct  
10 under his or its jurisdiction the report above provided for.  
11 Immediately upon receiving such report such clerk or board  
12 shall cause the same to be posted in a public place in his or  
13 its office for inspection by the public. Immediately after  
14 making such report such judge shall return to the polling  
15 place.

16 Where voting machines or electronic voting systems are  
17 used, the provisions of this section may be modified as  
18 required or authorized by Article 24, ~~or~~ Article 24A, or  
19 Article 24B, whichever is applicable.

20 (Source: P.A. 81-1433.)

21 (10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

22 Sec. 7-55. The primary poll books or the official poll  
23 record, and the tally sheets with the certificates of the  
24 primary judges written thereon, together with the envelopes  
25 containing the ballots, including the envelope containing the  
26 ballots marked "defective" or "objected to", shall be  
27 carefully enveloped and sealed up together, properly  
28 endorsed, and the primary judges shall elect 2 judges (one  
29 from each of the major political parties), who shall  
30 immediately deliver the same to the clerk from whom the  
31 primary ballots were obtained, which clerk shall safely keep  
32 the same for 2 months, and thereafter shall safely keep the  
33 poll books until the next primary. Each election authority

1 shall keep the office of the election authority, or any  
 2 receiving stations designated by such authority, open for at  
 3 least 12 consecutive hours after the polls close, or until  
 4 the judges of each precinct under the jurisdiction of the  
 5 election authority have delivered to the election authority  
 6 all the above materials sealed up together and properly  
 7 endorsed as provided herein. Materials delivered to the  
 8 election authority which are not in the condition required by  
 9 this Section shall not be accepted by the election authority  
 10 until the judges delivering the same make and sign the  
 11 necessary corrections. Upon acceptance of the materials by  
 12 the election authority, the judges delivering the same shall  
 13 take a receipt signed by the election authority and stamped  
 14 with the time and date of such delivery. The election judges  
 15 whose duty it is to deliver any materials as above provided  
 16 shall, in the event such materials cannot be found when  
 17 needed, on proper request, produce the receipt which they are  
 18 to take as above provided.

19 The county clerk or board of election commissioners shall  
 20 deliver a copy of each tally sheet to the county chairmen of  
 21 the two largest political parties.

22 Where voting machines or electronic voting systems are  
 23 used, the provisions of this section may be modified as  
 24 required or authorized by Article 24, and Article 24A, or  
 25 Article 24B, whichever is applicable.

26 (Source: P.A. 83-764.)

27 (10 ILCS 5/7-66)

28 Sec. 7-66. Electronic voting systems; precinct  
 29 tabulation optical scan technology voting equipment.

30 If the election authority has adopted the use of  
 31 electronic voting systems pursuant to Article 24A of this  
 32 Code or Precinct Tabulation Optical Scan Technology voting  
 33 equipment pursuant to Article 24B of this Code, and the

1 provisions of those Articles ~~the-Articles~~ are in conflict with  
 2 the provisions of this Article 7, the provisions of Article  
 3 24A or Article 24B, as the case may be, shall govern the  
 4 procedures followed by the election authority, its judges of  
 5 elections, and all employees and agents. In following the  
 6 provisions of Article 24A or Article 24B, the election  
 7 authority is authorized to develop and implement procedures  
 8 to fully utilize electronic voting systems or Precinct  
 9 Tabulation Optical Scan Technology voting equipment  
 10 authorized by the State Board of Elections as long as the  
 11 procedure is not in conflict with Article 24A, either Article  
 12 24B, or the administrative rules of the State Board of  
 13 Elections.

14 (Source: P.A. 89-394, eff. 1-1-97.)

15 (10 ILCS 5/15-6)

16 Sec. 15-6. Electronic voting systems; precinct  
 17 tabulation optical scan technology voting equipment.

18 If the election authority has adopted the use of  
 19 electronic voting systems pursuant to Article 24A of this  
 20 Code or Precinct Tabulation Optical Scan Technology voting  
 21 equipment pursuant to Article 24B of this Code, and the  
 22 provisions of those Articles ~~the-Articles~~ are in conflict with  
 23 the provisions of this Article 15, the provisions of Article  
 24 24A or Article 24B, as the case may be, shall govern the  
 25 procedures followed by the election authority, its judges of  
 26 elections, and all employees and agents. In following the  
 27 provisions of Article 24A or Article 24B, the election  
 28 authority is authorized to develop and implement procedures  
 29 to fully utilize electronic voting systems or Precinct  
 30 Tabulation Optical Scan Technology voting equipment  
 31 authorized by the State Board of Elections as long as the  
 32 procedure is not in conflict with Article 24A, either Article  
 33 24B, or the administrative rules of the State Board of

1 Elections.

2 (Source: P.A. 89-394, eff. 1-1-97.)

3 (10 ILCS 5/16-11)

4 Sec. 16-11. Electronic voting systems; precinct  
5 tabulation optical scan technology voting equipment.

6 If the election authority has adopted the use of  
7 electronic voting systems pursuant to Article 24A of this  
8 Code or Precinct Tabulation Optical Scan Technology voting  
9 equipment pursuant to Article 24B of this Code, and the  
10 provisions of those Articles ~~the Article~~ are in conflict with  
11 the provisions of this Article 16, the provisions of Article  
12 24A or Article 24B, as the case may be, shall govern the  
13 procedures followed by the election authority, its judges of  
14 elections, and all employees and agents. In following the  
15 provisions of Article 24A or Article 24B, the election  
16 authority is authorized to develop and implement procedures  
17 to fully utilize electronic voting systems or Precinct  
18 Tabulation Optical Scan Technology voting equipment  
19 authorized by the State Board of Elections as long as the  
20 procedure is not in conflict with Article 24A, either Article  
21 24B, or the administrative rules of the State Board of  
22 Elections.

23 (Source: P.A. 89-394, eff. 1-1-97.)

24 (10 ILCS 5/17-43)

25 Sec. 17-43. Electronic voting systems; precinct  
26 tabulation optical scan technology voting equipment.

27 If the election authority has adopted the use of  
28 electronic voting systems pursuant to Article 24A of this  
29 Code or Precinct Tabulation Optical Scan Technology voting  
30 equipment pursuant to Article 24B of this Code, and the  
31 provisions of those Articles ~~the Article~~ are in conflict with  
32 the provisions of this Article 17, the provisions of Article

1 24A or Article 24B, as the case may be, shall govern the  
 2 procedures followed by the election authority, its judges of  
 3 elections, and all employees and agents. In following the  
 4 provisions of Article 24A or Article 24B, the election  
 5 authority is authorized to develop and implement procedures  
 6 to fully utilize electronic voting systems or Precinct  
 7 Tabulation Optical Scan Technology voting equipment  
 8 authorized by the State Board of Elections as long as the  
 9 procedure is not in conflict with either Article 24A, Article  
 10 24B, or the administrative rules of the State Board of  
 11 Elections.

12 (Source: P.A. 89-394, eff. 1-1-97.)

13 (10 ILCS 5/18-40)

14 Sec. 18-40. Electronic voting systems; precinct  
 15 tabulation optical scan technology voting equipment.

16 If the election authority has adopted the use of  
 17 electronic voting systems pursuant to Article 24A of this  
 18 Code or Precinct Tabulation Optical Scan Technology voting  
 19 equipment pursuant to Article 24B of this Code, and the  
 20 provisions of those Articles ~~the-Artiele~~ are in conflict with  
 21 the provisions of this Article 18, the provisions of Article  
 22 24A or Article 24B, as the case may be, shall govern the  
 23 procedures followed by the election authority, its judges of  
 24 elections, and all employees and agents. In following the  
 25 provisions of Article 24A or Article 24B, the election  
 26 authority is authorized to develop and implement procedures  
 27 to fully utilize electronic voting systems or Precinct  
 28 Tabulation Optical Scan Technology voting equipment  
 29 authorized by the State Board of Elections as long as the  
 30 procedure is not in conflict with either Article 24A, Article  
 31 24B, or the administrative rules of the State Board of  
 32 Elections.

33 (Source: P.A. 89-394, eff. 1-1-97.)

1 (10 ILCS 5/19-15)

2 Sec. 19-15. Electronic voting systems; precinct  
3 tabulation optical scan technology voting equipment.

4 If the election authority has adopted the use of  
5 electronic voting systems pursuant to Article 24A of this  
6 Code or Precinct Tabulation Optical Scan Technology voting  
7 equipment pursuant to Article 24B of this Code, and the  
8 provisions of those Articles ~~the-Artiele~~ are in conflict with  
9 the provisions of this Article 19, the provisions of Article  
10 24A or Article 24B, as the case may be, shall govern the  
11 procedures followed by the election authority, its judges of  
12 elections, and all employees and agents. In following the  
13 provisions of Article 24A or Article 24B, the election  
14 authority is authorized to develop and implement procedures  
15 to fully utilize electronic voting systems or Precinct  
16 Tabulation Optical Scan Technology voting equipment  
17 authorized by the State Board of Elections as long as the  
18 procedure is not in conflict with Article 24A, either Article  
19 24B, or the administrative rules of the State Board of  
20 Elections.

21 (Source: P.A. 89-394, eff. 1-1-97.)

22 (10 ILCS 5/20-15)

23 Sec. 20-15. Electronic voting systems; precinct  
24 tabulation optical scan technology voting equipment.

25 If the election authority has adopted the use of  
26 electronic voting systems pursuant to Article 24A of this  
27 Code or Precinct Tabulation Optical Scan Technology voting  
28 equipment pursuant to Article 24B of this Code, and the  
29 provisions of those Articles ~~the-Artiele~~ are in conflict with  
30 the provisions of this Article 20, the provisions of Article  
31 24A or Article 24B, as the case may be, shall govern the  
32 procedures followed by the election authority, its judges of  
33 elections, and all employees and agents. In following the

1 provisions of Article 24A or Article 24B, the election  
2 authority is authorized to develop and implement procedures  
3 to fully utilize electronic voting systems or Precinct  
4 Tabulation Optical Scan Technology voting equipment  
5 authorized by the State Board of Elections as long as the  
6 procedure is not in conflict with Article 24A, either Article  
7 24B, or the administrative rules of the State Board of  
8 Elections.

9 (Source: P.A. 89-394, eff. 1-1-97.)

10 (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)

11 Sec. 24A-2. As used in this Article: "Computer",  
12 "Automatic tabulating equipment" or "equipment" includes  
13 apparatus necessary to automatically examine and count votes  
14 as designated on ballots, and data processing machines which  
15 can be used for counting ballots and tabulating results.

16 "Ballot card" means a ballot which is voted by the  
17 process of punching.

18 "Ballot configuration" means the particular combination  
19 of political subdivision ballots including, for each  
20 political subdivision, the particular combination of offices,  
21 candidate names and ballot position numbers for each  
22 candidate and question as it appears for each group of voters  
23 who may cast the same ballot.

24 "Ballot labels" means the cards, papers, booklet, pages  
25 or other material containing the names of officers and  
26 candidates and statements of measures to be voted on.

27 "Ballot sheet" means a paper ballot printed on one or  
28 both sides which is (1) designed and prepared so that the  
29 voter may indicate his or her votes in designated areas,  
30 which must be enclosed areas clearly printed or otherwise  
31 delineated for such purpose, and (2) capable of having votes  
32 marked in the designated areas automatically examined,  
33 counted, and tabulated by an electronic scanning process.

1 "Ballot" may include ballot cards, ballot labels and  
2 paper ballots.

3 "Separate ballot", with respect to ballot sheets, means a  
4 separate portion of the ballot sheet in which the color of  
5 the ink used in printing that portion of the ballot sheet is  
6 distinct from the color of the ink used in printing any other  
7 portion of the ballot sheet.

8 "Column" in an electronic voting system which utilizes a  
9 ballot card means a space on a ballot card for punching the  
10 voter's vote arranged in a row running lengthwise on the  
11 ballot card.

12 "Central Counting" means the counting of ballots in one  
13 or more locations selected by the election authority for the  
14 processing or counting, or both, of ballots. A location for  
15 central counting shall be within the territorial jurisdiction  
16 of such election authority unless there is no suitable  
17 tabulating equipment available within his territorial  
18 jurisdiction. However, in any event a counting location shall  
19 be within this State.

20 "In-precinct counting" means the counting of ballots on  
21 automatic tabulating equipment provided by the election  
22 authority in the same precinct polling place in which those  
23 ballots have been cast.

24 "Computer operator" means any person or persons  
25 designated by the election authority to operate the automatic  
26 tabulating equipment during any portion of the vote tallying  
27 process in an election, but shall not include judges of  
28 election operating vote tabulating equipment in the precinct.

29 "Computer program" or "program" means the set of  
30 operating instructions for the automatic tabulating equipment  
31 by which it examines, counts, tabulates, canvasses and prints  
32 votes recorded by a voter on a ballot card or other medium.

33 "Edit listing" means a computer generated listing of the  
34 names and ballot position numbers for each candidate and

1 proposition as they appear in the program for each precinct.

2 "Voting System" or "Electronic Voting System" means that  
3 combination of equipment and programs used in the casting,  
4 examination and tabulation of ballots and the cumulation and  
5 reporting of results by electronic means.

6 "Header card" or "program card" means a data processing  
7 card which is coded to indicate to the computer the precinct  
8 identity of the ballot cards that will follow immediately and  
9 may indicate to the computer how such ballot cards are to be  
10 tabulated.

11 "Marking device" means either an apparatus in which  
12 ballots or ballot cards are inserted and used in connection  
13 with a punch apparatus for the piercing of ballots by the  
14 voter, or any approved device for marking a paper ballot with  
15 ink or other substance which will enable the ballot to be  
16 tabulated by means of automatic tabulating equipment or by an  
17 electronic scanning process.

18 "Precinct program memory medium" or "PPMM" means the  
19 program disc or pack of an in-precinct computer tabulator  
20 that is programmed for a single precinct and that may be  
21 activated by means other than a header card or precinct  
22 identifier card to indicate to the automatic tabulating  
23 equipment the precinct identity of the ballot cards to be  
24 counted by the tabulator and how such ballot cards are to be  
25 counted.

26 "Public counter" means a mechanical or electronic display  
27 on in-precinct automatic tabulating equipment that displays  
28 the number of ballots counted by the equipment. Public  
29 counters shall not display any vote totals.

30 "Redundant count" means a verification of the original  
31 computer count by another count using compatible equipment or  
32 by hand as part of a discovery recount.

33 "Security punch" means a punch placed on a ballot card to  
34 identify to the computer program the offices and propositions

1 for which votes may be cast and to indicate the manner in  
2 which votes cast should be tabulated while negating any  
3 inadmissible votes.

4 "Security sleeve" or "security envelope" means an opaque  
5 envelope or sleeve into which a voted ballot card shall be  
6 inserted that fully covers all votes cast on the ballot and  
7 that permits the ballot to be inserted into the automatic  
8 tabulating equipment from within the envelope or sleeve  
9 without public observation of the votes cast on the ballot.

10 "Undervote" means a ballot that does not contain a vote  
11 that can be read by automatic tabulating equipment for any of  
12 the candidates in a contested election appearing on the  
13 ballot.

14 "Voting defect" means an overvoted ballot, a ballot that  
15 cannot be read by automatic tabulating equipment, or a ballot  
16 that does not contain the initials of a judge of election.

17 "Voting defect identification" means the capability to  
18 detect ballots that contain a voting defect.

19 (Source: P.A. 86-867.)

20 (10 ILCS 5/24A-6.1) (from Ch. 46, par. 24A-6.1)

21 Sec. 24A-6.1. In all elections conducted pursuant to  
22 this Article, ballot cards shall have a security punch. In  
23 precincts where more than one ballot configuration may be  
24 voted upon, ballot cards shall have a different security  
25 punch for each ballot configuration. If a precinct has only  
26 one possible ballot configuration, the ballot cards must have  
27 a security punch to identify the election. Where ballot  
28 cards from more than one precinct are being tabulated,  
29 precinct header cards or program cards shall also be used:  
30 official results shall not be generated unless the precinct  
31 identification of the header cards or program cards for any  
32 precinct correspond. Where the tabulating equipment being  
33 used requires entering the program immediately prior to

1 tabulating the ballot cards for each precinct, the precinct  
2 program may be used in lieu of header cards.

3 (Source: P.A. 82-1014.)

4 (10 ILCS 5/24A-7) (from Ch. 46, par. 24A-7)

5 Sec. 24A-7. A separate write-in ballot, which may be in  
6 the form of a paper ballot, card, extended stub of a ballot  
7 card, security or envelope, or security sleeve in which the  
8 elector places his ballot card after voting, shall be  
9 designated and provided by the election authority if  
10 necessary to permit electors to write in the names of persons  
11 whose names are not on the ballot. The ballots, ballot cards,  
12 and security ballot-card envelopes or sleeves may, at the  
13 discretion of the election authority, be printed on white  
14 paper and then striped with the appropriate colors. When an  
15 electronic voting system is used which utilizes a ballot stub  
16 of the ballot card, each ballot card envelope shall contain  
17 the write-in form and information required by Section 16-3 of  
18 this Act.

19 (Source: P.A. 83-110.)

20 (10 ILCS 5/24A-8) (from Ch. 46, par. 24A-8)

21 Sec. 24A-8. The county clerk or board of election  
22 commissioners, as the case may be, shall cause the marking  
23 devices to be put in order, set, adjusted and made ready for  
24 voting when delivered to the polling places. Before the  
25 opening of the polls the judges of election shall compare the  
26 ballots used in the marking devices with the specimen ballots  
27 furnished and see that the names, numbers and letters thereon  
28 agree and shall certify thereto on forms provided by the  
29 county clerk or board of election commissioners, as the case  
30 may be.

31 In addition, in those polling places where in-precinct  
32 counting equipment is utilized, the judges of election shall

1 make an operational check of the automatic tabulating  
2 equipment before the opening of the polls. Either  
3 instructions for activating the precincts program memory  
4 medium or a precinct identification card provided by the  
5 election authority shall be entered into the automatic  
6 tabulating equipment to ensure that the totals are all zeroes  
7 in the count column on the printing unit.

8 Pollwatchers as provided by law shall be permitted to  
9 closely observe the judges in these procedures and to  
10 periodically inspect the equipment when not in use by the  
11 voters to see that the ballot labels are in proper position  
12 and have not been marked upon or mutilated.

13 (Source: P.A. 82-1014.)

14 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

15 Sec. 24A-9. Prior to the public test, the election  
16 authority shall conduct an errorless pre-test of the  
17 automatic tabulating equipment and program to ascertain that  
18 they will correctly count the votes cast for all offices and  
19 all measures. On any day not less than 5 days prior to the  
20 election day, the election authority shall publicly test the  
21 automatic tabulating equipment and program to ascertain that  
22 they will correctly count the votes cast for all offices and  
23 on all measures. Public notice of the time and place of the  
24 test shall be given at least 48 hours prior thereto by  
25 publication once in one or more newspapers published within  
26 the election jurisdiction of the election authority if a  
27 newspaper is published therein, otherwise in a newspaper of  
28 general circulation therein. Timely written notice stating  
29 the date, time and location of the public test shall also be  
30 provided to the State Board of Elections. The test shall be  
31 open to representatives of the political parties, the press,  
32 representatives of the State Board of Elections, and the  
33 public. The test shall be conducted by processing a

1 preaudited group of ballots so punched or marked as to record  
2 a predetermined number of valid votes for each candidate and  
3 on each measure, and shall include for each office one or  
4 more ballots which have votes in excess of the number allowed  
5 by law in order to test the ability of the automatic  
6 tabulating equipment to reject such votes. Such test shall  
7 also include the use of precinct header cards or precinct  
8 program memory medium and may include the production of an  
9 edit listing. In those election jurisdictions where  
10 in-precinct counting equipment is utilized, a public test of  
11 both such equipment and program shall be conducted as nearly  
12 as possible in the manner prescribed above. The State Board  
13 of Elections may select as many election jurisdictions as the  
14 Board deems advisable in the interests of the election  
15 process of this State in which to order a special test of the  
16 automatic tabulating equipment and program prior to any  
17 regular election. The Board may order a special test in any  
18 election jurisdiction where, during the preceding twelve  
19 months, computer programming errors or other errors in the  
20 use of electronic voting systems resulted in vote tabulation  
21 errors. Not less than 30 days prior to any election, the  
22 State Board of Elections shall provide written notice to  
23 those selected jurisdictions of their intent to conduct a  
24 test. Within 5 days of receipt of the State Board of  
25 Elections' written notice of intent to conduct a test, the  
26 selected jurisdictions shall forward to the principal office  
27 of the State Board of Elections a copy of all specimen  
28 ballots. The State Board of Elections' tests shall be  
29 conducted and completed not less than 2 days prior to the  
30 public test utilizing testing materials supplied by the Board  
31 and under the supervision of the Board, and the Board shall  
32 reimburse the election authority for the reasonable cost of  
33 computer time required to conduct the special test. After  
34 an errorless test, materials used in the public test,

1 including the program, if appropriate, shall be sealed and  
2 remain so until the test is run again on election day. If any  
3 error is detected, the cause therefor shall be ascertained  
4 and corrected and an errorless public test shall be made  
5 before the automatic tabulating equipment is approved. Each  
6 election authority shall file a sealed copy of each tested  
7 program to be used within its jurisdiction at an election  
8 with the State Board of Elections prior to the election. The  
9 Board shall secure the program or programs of each election  
10 jurisdiction so filed in its office for the 60 days following  
11 the canvass and proclamation of election results. Upon the  
12 expiration of that time, if no election contest or appeal  
13 therefrom is pending in an election jurisdiction, the Board  
14 shall return the sealed program or programs to the election  
15 authority of the jurisdiction. Except where in-precinct  
16 counting equipment is utilized, the test shall be repeated  
17 immediately before the start of the official count of the  
18 ballots, in the same manner as set forth above. After the  
19 completion of the count, the test shall be re-run using the  
20 same program. An election jurisdiction that was employing,  
21 as of January 1, 1983, an electronic voting system that,  
22 because of its design, is not technically capable of  
23 compliance with such a post-tabulation testing requirement  
24 shall satisfy the post-tabulation testing requirement by  
25 conducting the post-tabulation test on a duplicate program  
26 until such electronic voting system is replaced or until  
27 November 1, 1992, whichever is earlier. Immediately  
28 thereafter the ballots, all material employed in testing the  
29 program and the program shall be sealed and retained under  
30 the custody of the election authority for a period of 60  
31 days. At the expiration of that time the election authority  
32 shall destroy the voted ballot cards, together with all  
33 unused ballots returned from the precincts. Provided, if any  
34 contest of election is pending at such time in which such

1 ballots may be required as evidence and such election  
2 authority has notice thereof, the same shall not be destroyed  
3 until after such contest is finally determined. If the use of  
4 back-up equipment becomes necessary, the same testing  
5 required for the original equipment shall be conducted.

6 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

7 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

8 Sec. 24A-10.1. In an election jurisdiction where  
9 in-precinct counting equipment is utilized, the following  
10 procedures for counting and tallying the ballots set forth in  
11 this Section and in Section 24A-14 shall apply, provided that  
12 the election authority shall elect whether to use the  
13 procedures of subsection (a) or the procedures of subsection  
14 (b).;

15 (a) Voter ballot insertion during poll hours.

16 (1) In precincts where the election authority has  
17 authorized voters to insert their ballots directly into  
18 the automatic tabulating equipment, the procedures of  
19 this subsection (a) and, to the extent applicable, the  
20 procedures of subsection (c) shall apply.

21 (2) The in-precinct counting equipment shall be set  
22 to count each ballot for candidates and for or against  
23 propositions to be voted upon as the ballot is inserted  
24 into the automatic tabulating equipment, and the  
25 equipment shall internally tally accurate vote totals for  
26 all such candidates and for and against all such  
27 propositions. Before the opening of the polls and before  
28 ballots are entered into the counting equipment, the  
29 judges of election shall turn on the automatic tabulating  
30 equipment, activate the precinct program memory medium,  
31 and verify that the public counter is set at zero.

32 (3) After the polls have been declared open, each  
33 ballot shall be inserted into the automatic tabulating

1 equipment by the voter immediately after the voter has  
2 completed marking his or her ballot and placing it in a  
3 security envelope or sleeve. The ballot shall be  
4 inserted into the automatic tabulating equipment from  
5 within the security envelope or sleeve without public  
6 observation of the votes cast on the ballot. The judges  
7 of election shall not handle any voted ballot except as  
8 provided in this Code for uninitialed, spoiled, and  
9 defective and damaged ballots. Each voted ballot shall  
10 be deposited into a secure ballot box immediately after  
11 it has been counted by the automatic tabulating  
12 equipment.

13 (4) In precincts where the automatic tabulating  
14 equipment has voting defect identification capability,  
15 the equipment may be set to automatically return to the  
16 voter any ballot that does not contain a judge's initial  
17 in the area required by this Code. If the judges of  
18 election reasonably believe that the failure to initial  
19 the ballot was due to an error by the judges and that no  
20 fraud or other irregularity has occurred affecting the  
21 integrity of the ballots, the ballot shall then be  
22 initialed by one of the judges of election and  
23 re-inserted by the voter into the automatic tabulating  
24 equipment. Otherwise, the ballot shall be marked  
25 "Spoiled Ballot", initialed by all judges immediately  
26 under the words "Spoiled Ballot", and not counted. The  
27 judges shall initial and issue a new ballot to the voter  
28 in lieu of the original "Spoiled Ballot" and the voter  
29 shall then be permitted to vote the new ballot.

30 If the precinct's automatic tabulating  
31 equipment does not have voting defect identification  
32 capability or the election authority elects not to  
33 activate the voting defect identification capability to  
34 detect and return uninitialed ballots, such uninitialed

1 ballots shall be treated in the same manner as provided  
2 for uninitialed ballots in subsection (c)(3) of this  
3 Section.

4 (5) In precincts where the automatic tabulating  
5 equipment has voting defect identification capability,  
6 the counting equipment may be set to automatically return  
7 to the voter any ballot on which the number of votes for  
8 an office or proposition exceeds the number of votes that  
9 the voter is entitled to cast. If the voter, after being  
10 informed that an overvote has occurred, determines to  
11 have the ballot counted despite containing an overvote,  
12 the automatic tabulating equipment shall be set to accept  
13 the ballot and count the votes for or against  
14 propositions and for candidates for offices for which  
15 there is no overvote. If the voter determines to have  
16 the overvoted ballot rejected and to vote a new ballot,  
17 the original ballot shall be marked "Spoiled Ballot",  
18 initialed by all judges immediately under the words  
19 "Spoiled Ballot", and not counted. The judges shall  
20 issue a new ballot to the voter in lieu of the original  
21 "Spoiled Ballot" and the voter shall then be permitted to  
22 vote the new ballot.

23 If the precinct's automatic tabulating equipment  
24 does not have voting defect identification capability or  
25 the election authority elects not to activate the voting  
26 defect identification capability to detect and return an  
27 overvoted ballots, such overvoted ballots shall be  
28 treated in the same manner as provided for overvoted  
29 ballots in subsection (c)(4) of this Section.

30 (6) In precincts where the automatic tabulating  
31 equipment has voting defect identification capability,  
32 the in-precinct counting equipment may be set to return  
33 any ballot that is damaged or defective and cannot  
34 properly be read by the automatic tabulating equipment.

1 The ballot shall be marked "Spoiled Ballot", initialed by  
2 all judges immediately under the words "Spoiled Ballot",  
3 and not counted. The judges shall initial and issue a  
4 new ballot to the voter in lieu of the original "Spoiled  
5 Ballot" and the voter shall then be permitted to vote the  
6 new ballot.

7 If the precinct's automatic tabulating equipment  
8 does not have voting defect identification capability or  
9 the election authority elects not to activate the voting  
10 defect identification capability to detect and return any  
11 ballot that is damaged or defective and cannot properly  
12 be counted by the automatic tabulating equipment, such  
13 damaged or defective ballots shall be treated in the same  
14 manner as provided for damaged and defective ballots in  
15 subsection (c)(6) of this Section.

16 (7) In precincts where the automatic tabulating  
17 equipment has voting defect identification capability,  
18 the counting equipment may be set to automatically return  
19 to the voter any ballot on which there is an undervote.  
20 If the voter, after being informed that an undervote has  
21 occurred, determines to have the ballot counted despite  
22 containing an undervote, the automatic tabulating  
23 equipment shall be set to accept the ballot and count the  
24 votes for or against propositions and for candidates for  
25 offices for which there is no undervote. If the voter  
26 determines to have the undervoted ballot rejected and to  
27 vote a new ballot, the original ballot shall be marked  
28 "Spoiled Ballot", initialed by all judges immediately  
29 under the words "Spoiled Ballot", and not counted. The  
30 judges shall issue a new ballot to the voter in lieu of  
31 the original "Spoiled Ballot" and the voter shall then be  
32 permitted to vote the new ballot. If the voter determines  
33 to continue voting on the original undervoted ballot, the  
34 voter may return to a voting area and cast additional

1 votes.

2 (8) Immediately after the closing of the polls and  
3 after the insertion of absentee ballots entitled to be  
4 counted, the automatic tabulating equipment shall be  
5 locked against further processing of ballots and the vote  
6 totals shall be displayed and read.

7 (9) Throughout the election day and before the  
8 close of the polls, no person shall be permitted to check  
9 for vote totals for any candidate or proposition on the  
10 automatic tabulating equipment. However, any voter,  
11 judge of election, or poll watcher may examine the number  
12 of counted ballots shown on the public counter of the  
13 automatic tabulating equipment when the polls are open.  
14 During the time that polling places are open for voting,  
15 no person may reset the equipment for re-insertion of  
16 ballots except upon the specific authorization of the  
17 election authority; the automatic tabulating equipment  
18 shall be programmed to prevent such re-insertion unless  
19 provided a code by an authorized representative of the  
20 election authority. If the automatic tabulating  
21 equipment becomes inoperative during voting hours, until  
22 such time as it is repaired and restarted by a  
23 representative of the election authority, the voters  
24 shall deposit their voted ballots into the secure portion  
25 of the supply carrier case or other secure ballot  
26 container supplied by the election authority and the  
27 judges of election shall open the container used for this  
28 purpose only after the close of the polls and shall then  
29 insert each of the deposited ballots into the automatic  
30 tabulating equipment to be tallied.

31 (b) Ballot insertion by judges after close of the polls.

32 (1) In precincts where the election authority has  
33 not authorized voters to insert their ballots directly  
34 into the automatic tabulating equipment during polling

1 place hours, the procedures of this subsection (b) and,  
2 to the extent applicable, the procedures of subsection  
3 (c) shall apply.

4 (2) In such precincts, the in-precinct counting  
5 equipment shall be programmed as set forth in subsection  
6 (a)(2). Before the opening of the polls, the judges of  
7 election shall turn on the automatic tabulating equipment  
8 and verify that the public counter is set at zero.

9 (3) After the polls have been declared open, each  
10 voted ballot shall be placed into a security envelope or  
11 security sleeve by the voter and shall be handed by the  
12 voter to a judge of election, who shall deposit the  
13 ballot within the security envelope or sleeve into a  
14 secure ballot box.

15 (c) Procedures after the close of the polls.

16 (1) Immediately after the closing of the polls, the  
17 absentee ballots delivered to the precinct judges of  
18 election by the election authority shall be examined to  
19 determine that such ballots comply with Sections 19-9 and  
20 20-9 of this Act and are entitled to be deposited in the  
21 ballot box; those entitled to be deposited in the ballot  
22 box shall be initialed by the precinct judges of election  
23 and deposited in the ballot box. Those not entitled to  
24 be deposited in the ballot box shall be marked "Rejected"  
25 and disposed of as provided in said Sections 19-9 and  
26 20-9.

27 (2) The precinct judges of election shall open the  
28 ballot box and count the number of ballots therein to  
29 determine if such number agrees with the number of voters  
30 voting as shown by the automatic tabulating equipment, by  
31 the public counter on the automatic tabulating equipment  
32 where available, and by applications for ballot. or, If  
33 the same do not agree, the judges of election shall make  
34 such ballots agree with the applications for ballot in

1 the manner provided by Section 17-18 of this Code Act.

2 (3) The judges of election shall then examine all  
3 ballot cards and ballot card envelopes which are in the  
4 ballot box to determine whether the ballot cards and  
5 ballot card envelopes contain the initials of a precinct  
6 judge of election. If any ballot card or ballot card  
7 envelope is not initialed, it shall be marked on the back  
8 "Defective", initialed as to such label by all judges  
9 immediately under the word "Defective" and not counted.  
10 The judges of election shall place an initialed blank  
11 official ballot card in the place of the defective ballot  
12 card, so that the count of the ballot cards to be counted  
13 on the automatic tabulating equipment will be the same,  
14 and each "Defective Ballot" card and "Replacement" card  
15 shall contain the same serial number which shall be  
16 placed thereon by the judges of election, commencing with  
17 number 1 and continuing consecutively for the ballots of  
18 that kind in that precinct. The original "Defective" card  
19 shall be placed in the "Defective Ballot Envelope"  
20 provided for that purpose.

21 (4) ~~When an electronic voting system is used which~~  
22 ~~utilizes a ballot card,~~ Before separating the remaining  
23 ballot cards from their respective covering envelopes or  
24 sleeves, the judges of election shall examine the ballot  
25 cards, ballot card envelopes, ballot card stubs, or  
26 security sleeves for write-in votes. When the voter has  
27 cast a write-in vote, the judges of election shall  
28 compare the write-in vote with the votes on the ballot  
29 card to determine whether such write-in results in an  
30 overvote for any office unless the automatic tabulating  
31 equipment has already done so. In case of an overvote  
32 for any office, the judges of election, consisting in  
33 each case of at least one judge of election of each of  
34 the 2 major political parties, shall make a true

1 duplicate ballot of all votes on such ballot card except  
2 for the office which is overvoted, by using the ballot  
3 label booklet of the precinct and one of the marking  
4 devices of the precinct so as to transfer all votes of  
5 the voter, except for the office overvoted, to a  
6 duplicate card. The original ballot card and envelope  
7 upon which there is an overvote shall be clearly labeled  
8 "Overvoted Ballot", and each such "Overvoted Ballot" as  
9 well as its "Replacement" shall contain the same serial  
10 number which shall be placed thereon by the judges of  
11 election, commencing with number 1 and continuing  
12 consecutively for the ballots of that kind in that  
13 precinct. The "Overvoted Ballot" card and ballot  
14 envelope shall be placed in an envelope provided for that  
15 purpose labeled "Duplicate Ballot" envelope, and the  
16 judges of election shall initial the "Replacement" ballot  
17 cards and shall place them with the other ballot cards to  
18 be counted on the automatic tabulating equipment.  
19 Envelopes, ballot cards, ballot card stubs, or security  
20 envelopes or sleeves containing write-in votes marked in  
21 the place designated therefor and containing the initials  
22 of a precinct judge of election and not resulting in an  
23 overvote and otherwise complying with the election laws  
24 as to marking shall be counted and tallied and their  
25 votes recorded on a tally sheet provided by the election  
26 authority.

27 The ballot cards and ballot card envelopes or  
28 sleeves shall be separated in preparation for counting by  
29 the automatic tabulating equipment provided for that  
30 purpose by the election authority.

31 (5) In precincts where the election authority has  
32 elected to authorize voter insertion of ballots pursuant  
33 to subsection (a) of this Section, after closing the  
34 polls and examining the absentee ballots pursuant to

1 subsection (c)(1) of this Section, the judges of election  
2 shall insert into the automatic tabulating equipment all  
3 absentee ballots entitled to be counted. Thereafter, the  
4 judges of election shall generate vote totals for all  
5 candidates and propositions. However, if the judges of  
6 election have removed a ballot from the ballot box  
7 pursuant to Section 17-18, have labeled "Defective" a  
8 ballot which is not initialed, or have otherwise  
9 determined under this Code to not count a ballot  
10 originally deposited into a ballot box, the judges of  
11 election shall reset the totals on the automatic  
12 tabulating equipment to all zeroes. Thereafter the  
13 judges of election shall enter each ballot to be counted  
14 in the automatic tabulating equipment. Resetting of the  
15 automatic tabulating equipment to all zeros and  
16 re-inserting of ballots to be counted may occur at the  
17 polling place, the office of the election authority, or  
18 any receiving station designated by the election  
19 authority. The election authority shall designate the  
20 place for resetting the equipment and re-inserting  
21 ballots.

22 (6) In precincts where the election authority has  
23 elected to authorize the insertion of ballots by the  
24 judges after the close of polls pursuant to subsection  
25 (b) of this Section, before the ballots are entered into  
26 the automatic tabulating equipment, a precinct  
27 identification card or program card provided by the  
28 election authority shall be entered or instructions for  
29 activating the precinct program memory medium shall be  
30 followed into--the--device to ensure that the totals are  
31 all zeroes in the equipment, including where applicable  
32 in the count column on the printing unit. A precinct  
33 judge of election shall then count the ballots by  
34 entering each ballot card into the automatic tabulating

1 equipment, and if any ballot or ballot card is damaged or  
2 defective so that it cannot properly be counted by the  
3 automatic tabulating equipment, the judges of election,  
4 consisting in each case of at least one judge of election  
5 of each of the 2 major political parties, shall make a  
6 true duplicate ballot of all votes on such ballot card by  
7 using the ballot label booklet of the precinct and one of  
8 the marking devices of the precinct. The original ballot  
9 or ballot card and envelope shall be clearly labeled  
10 "Damaged Ballot" and the ballot or ballot card so  
11 produced shall be clearly labeled "Duplicate Damaged  
12 Ballot", and each shall contain the same serial number  
13 which shall be placed thereon by the judges of election,  
14 commencing with number 1 and continuing consecutively for  
15 the ballots of that kind in the precinct. The judges of  
16 election shall initial the "Duplicate Damaged Ballot"  
17 ballot or ballot cards and shall enter the duplicate  
18 damaged cards into the automatic tabulating equipment.  
19 The "Damaged Ballot" cards shall be placed in the  
20 "Duplicated Ballots" envelope; after all ballot cards  
21 have been successfully read, the judges of election shall  
22 check to make certain that the last number printed by the  
23 printing unit is the same as the number of voters making  
24 application for ballot in that precinct. The number  
25 shall be listed on the "Statement of Ballots" form  
26 provided by the election authority.

27 (7) The totals for all candidates and propositions  
28 shall be tabulated; 4 sets shall be attached to the 4  
29 sets of "Certificate of Results", which may be generated  
30 by the automatic tabulating equipment, provided by the  
31 election authority; one set shall be posted in a  
32 conspicuous place inside the polling place; and every  
33 effort shall be made by the judges of election to provide  
34 a set for each authorized pollwatcher or other official

1 authorized to be present in the polling place to observe  
2 the counting of ballots; but in no case shall the number  
3 of sets to be made available to pollwatchers be fewer  
4 than 4, chosen by lot by the judges of election. In  
5 addition, sufficient time shall be provided by the judges  
6 of election to the pollwatchers to allow them to copy  
7 information from the set which has been posted.

8 (8) The judges of election shall count all unused  
9 ballot cards and enter the number on the "Statement of  
10 Ballots". All "Spoiled", "Defective" and "Duplicated"  
11 ballot cards shall be counted and the number entered on  
12 the "Statement of Ballots".

13 (9) The precinct judges of election shall select a  
14 bi-partisan team of 2 judges, who shall immediately  
15 return the ballots in a sealed container, along with all  
16 other election materials as instructed by the election  
17 authority; provided, however, that such container must  
18 first be sealed by the election judges with filament tape  
19 provided for such purpose which shall be wrapped around  
20 the container lengthwise and crosswise, at least twice  
21 each way, in such manner that the ballots cannot be  
22 removed from such container without breaking the seal and  
23 filament tape and disturbing any signatures affixed by  
24 the election judges to the container. The election  
25 authority shall keep the office of the election  
26 authority, or any receiving stations designated by such  
27 authority, open for at least 12 consecutive hours after  
28 the polls close or until the ballots from all precincts  
29 with in-precinct counting equipment within the  
30 jurisdiction of the election authority have been returned  
31 to the election authority. Ballots returned to the office  
32 of the election authority which are not signed and sealed  
33 as required by law shall not be accepted by the election  
34 authority until the judges returning the same make and

1 sign the necessary corrections. Upon acceptance of the  
2 ballots by the election authority, the judges returning  
3 the same shall take a receipt signed by the election  
4 authority and stamped with the time and date of such  
5 return. The election judges whose duty it is to return  
6 any ballots as herein provided shall, in the event such  
7 ballots cannot be found when needed, on proper request,  
8 produce the receipt which they are to take as above  
9 provided.

10 (Source: P.A. 83-1362.)

11 (10 ILCS 5/24A-14) (from Ch. 46, par. 24A-14)

12 Sec. 24A-14. Damaged ballots; duplicates.

13 (a) In precincts that do not utilize in-precinct  
14 automatic tabulating equipment having voting defect  
15 identification capability, the procedures of this subsection  
16 shall apply. If any ballot is damaged or defective so that it  
17 cannot properly be counted by the automatic tabulating  
18 equipment, a true duplicate copy shall be made of the damaged  
19 ballot in the presence of witnesses and substituted for the  
20 damaged ballot. Likewise, a duplicate ballot shall be made of  
21 a defective ballot which shall not include the invalid votes.  
22 All duplicate ballots shall be clearly labeled "duplicate",  
23 shall bear a serial number which shall be registered on the  
24 damaged or defective ballot, and shall be counted in lieu of  
25 the damaged or defective ballot.

26 (b) In precincts that utilize in-precinct automatic  
27 tabulating equipment having voting defect identification  
28 capability and in which voters insert their ballots into the  
29 automatic tabulating equipment, if any ballot is damaged or  
30 defective so that it cannot properly be counted by the  
31 automatic tabulating equipment, that ballot shall be treated  
32 as a spoiled ballot, and the voter shall be provided a new  
33 ballot to vote, which shall be initialed by a judge of

1 election.

2 (Source: Laws 1965, p. 2220.)

3 (10 ILCS 5/24B-2)

4 Sec. 24B-2. Definitions. As used in this Article:

5 "Computer", "automatic tabulating equipment" or  
6 "equipment" includes apparatus necessary to automatically  
7 examine and count votes as designated on ballots, and data  
8 processing machines which can be used for counting ballots  
9 and tabulating results.

10 "Ballot" means paper ballot sheets.

11 "Ballot configuration" means the particular combination  
12 of political subdivision ballots including, for each  
13 political subdivision, the particular combination of offices,  
14 candidate names and questions as it appears for each group of  
15 voters who may cast the same ballot.

16 "Ballot sheet" means a paper ballot printed on one or  
17 both sides which is (1) designed and prepared so that the  
18 voter may indicate his or her votes in designated areas,  
19 which must be areas clearly printed or otherwise delineated  
20 for such purpose, and (2) capable of having votes marked in  
21 the designated areas automatically examined, counted, and  
22 tabulated by an electronic scanning process.

23 "Central counting" means the counting of ballots in one  
24 or more locations selected by the election authority for the  
25 processing or counting, or both, of ballots. A location for  
26 central counting shall be within the territorial jurisdiction  
27 of the election authority unless there is no suitable  
28 tabulating equipment available within his territorial  
29 jurisdiction. However, in any event a counting location  
30 shall be within this State.

31 "Computer operator" means any person or persons  
32 designated by the election authority to operate the automatic  
33 tabulating equipment during any portion of the vote tallying

1 process in an election, but shall not include judges of  
2 election operating vote tabulating equipment in the precinct.

3 "Computer program" or "program" means the set of  
4 operating instructions for the automatic tabulating equipment  
5 that examines, counts, tabulates, canvasses and prints votes  
6 recorded by a voter on a ballot.

7 "Edit listing" means a computer generated listing of the  
8 names of each candidate and proposition as they appear in the  
9 program for each precinct.

10 "Header sheet" means a data processing document which is  
11 coded to indicate to the computer the precinct identity of  
12 the ballots that will follow immediately and may indicate to  
13 the computer how such ballots are to be tabulated.

14 "In-precinct counting" means the counting of ballots on  
15 automatic tabulating equipment provided by the election  
16 authority in the same precinct polling place in which those  
17 ballots have been cast.

18 "Marking device" means a pen or similar device approved  
19 by the State Board of Elections for marking a paper ballot  
20 with ink or other substance which will enable the ballot to  
21 be tabulated by automatic tabulating equipment or by an  
22 electronic scanning process.

23 "Precinct Tabulation Optical Scan Technology" means the  
24 capability to examine a ballot through electronic means and  
25 tabulate the votes at one or more counting places.

26 "Redundant count" means a verification of the original  
27 computer count by another count using compatible equipment or  
28 by hand as part of a discovery recount.

29 "Security designation" means a printed designation placed  
30 on a ballot to identify to the computer program the offices  
31 and propositions for which votes may be cast and to indicate  
32 the manner in which votes cast should be tabulated while  
33 negating any inadmissible votes.

34 "Separate ballot", with respect to ballot sheets, means a

1 separate portion of the ballot sheet which is clearly defined  
2 by a border or borders or shading.

3 "Voting defect identification" means the capability to  
4 detect ~~overvoted~~ ballots that contain a voting defect or  
5 ~~ballots-which-cannot-be--read--by--the--automatic--tabulating~~  
6 ~~equipment.~~

7 "Voting defects" means an overvoted ballot, or a ballot  
8 which cannot be read by the automatic tabulating equipment,  
9 or a ballot that does not contain the initials of a judge of  
10 election.

11 "Voting system" or "electronic voting system" means that  
12 combination of equipment and programs used in the casting,  
13 examination and tabulation of ballots and the cumulation and  
14 reporting of results by electronic means.

15 (Source: P.A. 89-394, eff. 1-1-97.)

16 (10 ILCS 5/24B-10.1)

17 Sec. 24B-10.1. In-Precinct Counting Equipment;  
18 Procedures for Counting and Tallying Ballots. In an election  
19 jurisdiction where Precinct Tabulation Optical Scan  
20 Technology counting equipment is used, the following  
21 procedures for counting and tallying the ballots shall apply:

22 (a) The in-precinct counting equipment shall be set to  
23 count each ballot for candidates and for or against  
24 propositions to be voted upon as the ballot is inserted into  
25 the automatic tabulating equipment, and the equipment shall  
26 internally tally accurate vote totals for all such candidates  
27 and for and against all such propositions. Before the opening  
28 of the polls, and before the ballots are entered into the  
29 automatic tabulating equipment, the judges of election shall  
30 turn on the automatic tabulating equipment, activate the  
31 precinct program memory medium, and verify that the public  
32 counter is set at zero ~~shall-be-sure-that-the-totals-are-all~~  
33 ~~zeros-in-the-counting-column.~~ Ballots-may-then-be-counted-by

1 entering-each-ballot-into-the-automatic-tabulating-equipment.

2 After the polls have been declared open, each ballot  
3 shall be inserted into the automatic tabulating equipment by  
4 the voter immediately after the voter has completed marking  
5 his or her ballot. The ballot shall be inserted into the  
6 automatic tabulating equipment without public observation of  
7 the votes cast on the ballot. The judges of election shall  
8 not handle any voted ballot except as provided in this Code  
9 for uninitialed, spoiled, and defective and damaged ballots.  
10 Each voted ballot shall be deposited into a secure ballot box  
11 immediately after it has been counted by the automatic  
12 tabulating equipment.

13 Immediately after the closing of the polls and after the  
14 insertion of absentee ballots entitled to be counted, the  
15 automatic tabulating equipment shall be locked against  
16 further processing of ballots and the vote totals shall be  
17 displayed and read.

18 Throughout the election day and before the closing of the  
19 polls, no person shall be permitted to may check for any vote  
20 totals for any candidate or proposition on the automatic  
21 tabulating equipment. However, any voter, judge of election,  
22 or poll watcher may examine the number of counted ballots  
23 shown on the public counter of the automatic tabulating  
24 equipment when the polls are open. During the time that  
25 polling places are open for voting, no person may reset the  
26 equipment for re-insertion of ballots except upon the  
27 specific authorization of the election authority; the  
28 automatic tabulating equipment shall be programmed to prevent  
29 such re-insertion unless provided a code by an authorized  
30 representative of the election authority. If the automatic  
31 tabulating equipment becomes inoperative during voting hours,  
32 until such time as it is repaired and restarted by a  
33 representative of the election authority, the voters shall  
34 deposit their voted ballots into the secure portion of the

1 supply carrier case or other secure ballot container supplied  
2 by the election authority and the judges of election shall  
3 open the container used for this purpose only after the close  
4 of the polls and shall then insert each of the deposited  
5 ballots into the automatic tabulating equipment to be  
6 tallied. Such---automatic--tabulating--equipment--shall--be  
7 programmed-so-that-no-person--may--reset--the--equipment--for  
8 refeeding---of---ballots--unless--provided--a--code--from--an  
9 authorized-representative-of-the-election-authority. At the  
10 option of the election authority, the ballots may be inserted  
11 fed into the Precinct Tabulation Optical Scan Technology  
12 equipment by the voters under the direct supervision of the  
13 judges of elections.

14 (b) In addition to the provisions of subsection (a) of  
15 this Section, if the in-precinct automatic tabulating  
16 equipment has the capability to identify voting defects, the  
17 election authority may develop and implement procedures to  
18 utilize one or more of the following options:

19 (1) The equipment may be set to automatically  
20 return to the voter any ballot that does not contain a  
21 judge's initial in the area required by this Code. If  
22 the judges of election reasonably believe that the  
23 failure to initial the ballot was due to an error by the  
24 judges and that no fraud or other irregularity has  
25 occurred affecting the integrity of the ballots, the  
26 ballot shall then be initialed by one of the judges of  
27 election and re-inserted by the voter into the automatic  
28 tabulating equipment. Otherwise, the ballot shall be  
29 marked "Spoiled Ballot", initialed by all judges  
30 immediately under the words "Spoiled Ballot", and not  
31 counted. The judges shall initial and issue a new ballot  
32 to the voter in lieu of the original "Spoiled Ballot" and  
33 the voter shall then be permitted to vote the new ballot.

34 If the election authority elects not to activate the

1 voting defect identification capability to detect and  
2 return uninitialed ballots, such uninitialed ballots  
3 shall be treated in the same manner as provided for  
4 uninitialed ballots in subsection (c) of this Section.

5 (2) The counting equipment may be set to  
6 automatically return to the voter any ballot on which the  
7 number of votes for an office or proposition exceeds the  
8 number of votes that the voter is entitled to cast. If  
9 the voter, after being informed that an overvote has  
10 occurred, determines to have the ballot counted despite  
11 containing an overvote, the automatic tabulating  
12 equipment shall be set to accept the ballot and count the  
13 votes for or against propositions and for candidates for  
14 offices for which there is no overvote. If the voter  
15 determines to have the overvoted ballot rejected and to  
16 vote a new ballot, the original ballot shall be marked  
17 "Spoiled Ballot", initialed by all judges immediately  
18 under the words "Spoiled Ballot", and not counted. The  
19 judges shall issue a new ballot to the voter in lieu of  
20 the original "Spoiled Ballot" and the voter shall then be  
21 permitted to vote the new ballot.

22 If the election authority elects not to activate the  
23 voting defect identification capability to detect and  
24 return overvoted ballots, such overvoted ballots shall be  
25 treated in the same manner as provided for overvoted  
26 ballots in subsection (c) of this Section.

27 (3) The equipment may be set to return any ballot  
28 that is damaged or defective and cannot properly be read  
29 by the automatic tabulating equipment. The ballot shall  
30 be marked "Spoiled Ballot", initialed by all judges  
31 immediately under the words "Spoiled Ballot", and not  
32 counted. The judges shall initial and issue a new ballot  
33 to the voter in lieu of the original "Spoiled Ballot" and  
34 the voter shall then be permitted to vote the new ballot.

1           If the election authority elects not to activate the  
2           voting defect identification capability to detect and  
3           return any ballot that is damaged or defective and cannot  
4           properly be counted by the automatic tabulating  
5           equipment, such damaged or defective ballots shall be  
6           treated in the same manner as provided for damaged and  
7           defective ballots in subsection (c) of this Section.

8           (c) Immediately after the closing of the polls, the  
9           absentee ballots delivered to the precinct judges of election  
10          by the election authority shall be examined to determine that  
11          the ballots comply with Sections 19-9 and 20-9 of this Code  
12          and are entitled to be scanned by the Precinct Tabulation  
13          Optical Scan Technology equipment and then deposited in the  
14          ballot box; those entitled to be scanned and deposited in the  
15          ballot box shall be initialed by the precinct judges of  
16          election and then scanned and deposited in the ballot box.  
17          Those not entitled to be deposited in the ballot box shall be  
18          marked "Rejected" and disposed of as provided in said  
19          Sections 19-9 and 20-9.

20          The precinct judges of election shall open the ballot box  
21          and count the number of ballots to determine if the number  
22          agrees with the number of voters voting as shown on the  
23          Precinct Tabulation Optical Scan Technology equipment and by  
24          the applications for ballot or, if the same do not agree, the  
25          judges of election shall make the ballots agree with the  
26          applications for ballot in the manner provided by Section  
27          17-18 of this Code. The judges of election shall then  
28          examine all ballots which are in the ballot box to determine  
29          whether the ballots contain the initials of a precinct judge  
30          of election. If any ballot is not initialed, it shall be  
31          marked on the back "Defective", initialed as to such label by  
32          all judges immediately under the word "Defective" and not  
33          counted. The judges of election shall place an initialed  
34          blank official ballot in the place of the defective ballot,

1 so that the count of the ballots to be counted on the  
2 automatic tabulating equipment will be the same, and each  
3 "Defective Ballot" and "Replacement" ballot shall contain the  
4 same serial number which shall be placed thereon by the  
5 judges of election, beginning with number 1 and continuing  
6 consecutively for the ballots of that kind in that precinct.  
7 The original "Defective" ballot shall be placed in the  
8 "Defective Ballot Envelope" provided for that purpose.

9 If the judges of election have removed a ballot pursuant  
10 to Section 17-18, have labeled "Defective" a ballot which is  
11 not initialed, or have otherwise determined under this Code  
12 to not count a ballot originally deposited into a ballot box,  
13 the judges of election shall be sure that the totals on the  
14 automatic tabulating equipment are reset to all zeros in the  
15 counting column. Thereafter the judges of election shall  
16 enter each ballot to be counted in the automatic tabulating  
17 equipment. Resetting the automatic tabulating equipment to  
18 all zeros and re-entering of ballots to be counted may occur  
19 at the precinct polling place, the office of the election  
20 authority, or any receiving station designated by the  
21 election authority. The election authority shall designate  
22 the place for resetting and re-entering.

23 When a Precinct Tabulation Optical Scan Technology  
24 electronic voting system is used which uses a paper ballot,  
25 the judges of election shall examine the ballot for write-in  
26 votes. When the voter has cast a write-in vote, the judges  
27 of election shall compare the write-in vote with the votes on  
28 the ballot to determine whether the write-in results in an  
29 overvote for any office, unless the Precinct Tabulation  
30 Optical Scan Technology equipment has already done so. In  
31 case of an overvote for any office, the judges of election,  
32 consisting in each case of at least one judge of election of  
33 each of the 2 major political parties, shall make a true  
34 duplicate ballot of all votes on such ballot except for the

1 office which is overvoted, by using the ballot of the  
2 precinct and one of the marking devices of the precinct so as  
3 to transfer all votes of the voter, except for the office  
4 overvoted, to a duplicate ballot. The original ballot upon  
5 which there is an overvote shall be clearly labeled  
6 "Overvoted Ballot", and each such "Overvoted Ballot" as well  
7 as its "Replacement" shall contain the same serial number  
8 which shall be placed thereon by the judges of election,  
9 beginning with number 1 and continuing consecutively for the  
10 ballots of that kind in that precinct. The "Overvoted  
11 Ballot" shall be placed in an envelope provided for that  
12 purpose labeled "Duplicate Ballot" envelope, and the judges  
13 of election shall initial the "Replacement" ballots and shall  
14 place them with the other ballots to be counted on the  
15 automatic tabulating equipment.

16 If any ballot is damaged or defective, or if any ballot  
17 contains a Voting Defect, so that it cannot properly be  
18 counted by the automatic tabulating equipment, the voter or  
19 the judges of election, consisting in each case of at least  
20 one judge of election of each of the 2 major political  
21 parties, shall make a true duplicate ballot of all votes on  
22 such ballot by using the ballot of the precinct and one of  
23 the marking devices of the precinct. If a damaged ballot,  
24 the original ballot shall be clearly labeled "Damaged Ballot"  
25 and the ballot so produced shall be clearly labeled "Damaged  
26 Ballot" and the ballot so produced shall be clearly labeled  
27 "Duplicate Damaged Ballot", and each shall contain the same  
28 serial number which shall be placed by the judges of  
29 election, beginning with number 1 and continuing  
30 consecutively for the ballots of that kind in the precinct.  
31 The judges of election shall initial the "Duplicate Damaged  
32 Ballot" ballot and shall enter the duplicate damaged ballot  
33 into the automatic tabulating equipment. The "Damaged  
34 Ballots" shall be placed in the "Duplicated Ballots"

1 envelope; after all ballots have been successfully read, the  
2 judges of election shall check to make certain that the  
3 Precinct Tabulation Optical Scan Technology equipment readout  
4 agrees with the number of voters making application for  
5 ballot in that precinct. The number shall be listed on the  
6 "Statement of Ballots" form provided by the election  
7 authority.

8 The totals for all candidates and propositions shall be  
9 tabulated; and 4 copies of a "Certificate of Results" shall  
10 be generated by the automatic tabulating equipment; one copy  
11 shall be posted in a conspicuous place inside the polling  
12 place; and every effort shall be made by the judges of  
13 election to provide a copy for each authorized pollwatcher or  
14 other official authorized to be present in the polling place  
15 to observe the counting of ballots; but in no case shall the  
16 number of copies to be made available to pollwatchers be  
17 fewer than 4, chosen by lot by the judges of election. In  
18 addition, sufficient time shall be provided by the judges of  
19 election to the pollwatchers to allow them to copy  
20 information from the copy which has been posted.

21 The judges of election shall count all unused ballots and  
22 enter the number on the "Statement of Ballots". All  
23 "Spoiled", "Defective" and "Duplicated" ballots shall be  
24 counted and the number entered on the "Statement of Ballots".

25 The precinct judges of election shall select a  
26 bi-partisan team of 2 judges, who shall immediately return  
27 the ballots in a sealed container, along with all other  
28 election materials as instructed by the election authority;  
29 provided, however, that such container must first be sealed  
30 by the election judges with filament tape or other approved  
31 sealing devices provided for the purpose which shall be  
32 wrapped around the container lengthwise and crosswise, at  
33 least twice each way, in a manner that the ballots cannot be  
34 removed from the container without breaking the seal and

1 filament tape and disturbing any signatures affixed by the  
2 election judges to the container, or which other approved  
3 sealing devices are affixed in a manner approved by the  
4 election authority. The election authority shall keep the  
5 office of the election authority or any receiving stations  
6 designated by the authority, open for at least 12 consecutive  
7 hours after the polls close or until the ballots from all  
8 precincts with in-precinct counting equipment within the  
9 jurisdiction of the election authority have been returned to  
10 the election authority. Ballots returned to the office of  
11 the election authority which are not signed and sealed as  
12 required by law shall not be accepted by the election  
13 authority until the judges returning the ballots make and  
14 sign the necessary corrections. Upon acceptance of the  
15 ballots by the election authority, the judges returning the  
16 ballots shall take a receipt signed by the election authority  
17 and stamped with the time and date of the return. The  
18 election judges whose duty it is to return any ballots as  
19 provided shall, in the event the ballots cannot be found when  
20 needed, on proper request, produce the receipt which they are  
21 to take as above provided. The precinct judges of election  
22 shall also deliver the Precinct Tabulation Optical Scan  
23 Technology equipment to the election authority.

24 (Source: P.A. 89-394, eff. 1-1-97.)

25 (10 ILCS 5/24B-14)

26 Sec. 24B-14. Damaged Ballots; Duplicates.

27 (a) In precincts that do not utilize in-precinct  
28 automatic tabulating equipment having voting defect  
29 identification capability, the procedures of this subsection  
30 shall apply. If any ballot is damaged or defective so that it  
31 cannot properly be counted by the automatic Precinct  
32 Tabulation Optical Scan Technology tabulating equipment, a  
33 true duplicate copy shall be made of the damaged ballot in

1 the presence of witnesses and substituted for the damaged  
2 ballot. Likewise, a duplicate ballot shall be made of a  
3 defective ballot which shall not include the invalid votes.  
4 All duplicate ballots shall be clearly labeled "Duplicate",  
5 shall bear a serial number which shall be registered on the  
6 damaged or defective ballot, and shall be counted in lieu of  
7 the damaged or defective ballot.

8 (b) In precincts that utilize in-precinct automatic  
9 tabulating equipment having voting defect identification  
10 capability and in which voters insert their ballots into the  
11 automatic tabulating equipment, if any ballot is damaged or  
12 defective so that it cannot properly be counted by the  
13 automatic Precinct Tabulation Optical Scan Technology  
14 tabulating equipment, that ballot shall be treated as a  
15 spoiled ballot, and the voter shall be provided a new ballot  
16 to vote, which shall be initialed by a judge of election.

17 (Source: P.A. 89-394, eff. 1-1-97.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.